

THE DULY ELECTED MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CLERMONT COUNTY, OHIO, MET IN REGULAR SESSION ON AUGUST 5, 2009, WITH THE FOLLOWING MEMBERS PRESENT: EDWIN H. HUMPHREY, PRESIDENT, ROBERT L. PROUD, VICE PRESIDENT, AND R. SCOTT CROSWELL III, MEMBER. THE MEETING WAS CALLED TO ORDER SHORTLY AFTER 1:00 P.M. BY THE PRESIDENT OF THE BOARD WITH THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

IN RE: **BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 151-09/PAYMENT OF BILLS...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **151-09** resolving to approve payment to vendors in the revised total amount of **\$1,183,302.73** as set forth in the General Ledger Distribution Report(s) and Procurement Card Transaction Report presented by the County Auditor **08/03/09** and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: **BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 152-09/PAYMENT OF BILLS...ADOPTED**

Moved by Mr. Proud, seconded by Mr. Humphrey, that the Board of County Commissioners approve the following recommendation:

Recommendation that the Board of County Commissioners adopt Resolution Number **152-09** resolving to approve payment to vendors included on the General Ledger Distribution Report(s) presented by the County Auditor **08/03/09** as reflected in the General Ledger Distribution Excerpt Report in the amount of **\$13,500.00** and further authorizing the County Auditor to issue warrants for same pursuant to Section 319.16 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Humphrey, Aye; Mr. Croswell, Abstained.

IN RE: **DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT... ESTABLISHMENT AND DESIGNATION OF APPOINTMENTS OF MEMBERS TO THE CLERMONT COUNTY CENSUS 2010 COMMITTEE...09-0728-005... RATIFIED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Raymond Sebastian, Chief Building Official, Building Inspection Department, with the concurrence of Scot Lahrmer, Assistant County Administrator, to establish a Clermont County Census 2010 Committee and to appoint the following individuals who represent the designated agencies to serve as members, effective 08/05/09 through 04/30/10:

Census 2010 Committee Members	Representation
Edwin H. Humphrey	Board of County Commissioners
Scot Lahrmer	Board of County Commissioners
Raymond Sebastian	Clermont County Building Inspection Department

Jim Taylor	Clermont County Department of Community Planning & Development
Tom Dix	Clermont County Township Association
John Thebout	Clermont County Mayors' Association
Jimmi McIntosh	Clermont County Educational Service Center
Billie Kuntz	Clermont County Community Services, Inc.
Marty Lambert	Clermont County General Health District
Matt Van Sant	Clermont Chamber of Commerce
Andy McCreanor	Clermont 20/20, Inc.
Gail Heintzelman	Clermont Mercy Hospital
David Mezak	Clermont County Public Library
Mae Hanna	UC Clermont College
Margaret Jenkins	OSU Extension
Dan Bare	Clermont County Veterans' Service Commission
George Brown	Clermont Senior Services, Inc.
Debra Gordon	United Way
Cara Good	YWCA of Cincinnati – Eastern Area
Alisa Poe	Midland Company
Kelly Perry	Clermont County GIS

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: OFFICE OF ECONOMIC DEVELOPMENT...DESIGNATION OF RE-APPOINTMENTS TO SERVE ON THE SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION REVIEW COMMITTEE FOR CLERMONT COUNTY...09-0805-002...APPROVED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Andrew T. Kuchta, Director, Office of Economic Development, with the concurrence of Scot F. Lahrmer, Assistant County Administrator, to designate re-appointments to serve on the Southern Ohio Agricultural and Community Development Foundation Review Committee for Clermont County:

Committee Member	Representation
Robert L. Proud	Clermont County Board of Commissioners
David Uible	Agri-Business
Andrew T. Kuchta	Economic Development
Margaret Jenkins	OSU Extension Community Development Agent
Gregory Niesen	Financial Sector

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... CONTRACT FOR SERVICES WITH BAUER CONSTRUCTION SERVICES FOR MOWING SERVICES AT COUNTY WATERWORKS FACILITIES DURING CALENDAR YEAR 2009...09-0722-001...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Mark K. Day, WSD Assistant Director of Operations, with the concurrence of Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to execute a Contract for Services by and between the County of Clermont, Ohio, and Bauer Construction Services, 1867 Stumpy Lane, Goshen, Ohio 45122 for Mowing Services at County Waterworks Facilities during Calendar Year 2009, in accordance with the scope of services as identified in Exhibit A, attached thereto and made a part thereof, for a total amount not to exceed \$25,000.00, which includes all charges and expenses therefore, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RESOLUTION NUMBER 153-09/RESOLUTION DETERMINING THAT
PERSONAL PROPERTY IS NO LONGER NEEDED, OBSOLETE
AND/OR UNFIT FOR COUNTY USE BY THE CLERMONT COUNTY
WATER RESOURCES DEPARTMENT...09-0724-006...ADOPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of William Beyer, WSD Supervisor/WW Division, with the concurrence of J. Dwight Culbertson, Assistant Director of Operations and Thomas C. Yeager, Director of Utilities, Clermont County Water Resources Department, to adopt Resolution Number 153-09 resolving to determine that wedge wire plates originally acquired for the sludge dewatering process at the Middle East Fork Wastewater Treatment Plant are no longer needed for county use by the Clermont County Water Resources Department; and authorizing the sale of said wedge wire plates to the Village of Georgetown, Brown County, Ohio, and/or the federal government, the state, any other political subdivision of the state, or county land reutilization corporation expressing interest therein, at the rate of \$1.75 per plate, pursuant to and in compliance with Section 307.12 (D) of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RECOMMENDATION NOT TO PROCEED WITH THE WINDFIELD
HILLS SUBDIVISION SEWER PETITION PROJECT LOCATED
WITHIN MIAMI TOWNSHIP...09-0723-001...APPROVED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Jeff Goetz, Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, not to proceed with the Windfield Hills Subdivision Sewer Petition Project located within Miami Township due to the lack of support from property owners for said Project and to authorize the Clermont County Water Resources Department to send notice to the owners of property affected by said Project advising them that the Project is no longer active and declaring that all proceedings with respect to same are hereby discontinued.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RESOLUTION NUMBER 154-09/RESOLUTION DETERMINING TO
MAKE IMPROVEMENTS KNOWN AS PROJECT NUMBER 621-0047
RELATIVE TO THE CONSTRUCTION, OPERATION AND
MAINTENANCE OF THE WARDS CORNER AND NEWTONSVILLE
TANK PAINTINGS PROJECT LOCATED IN MIAMI AND WAYNE
TOWNSHIPS AND REQUEST TO ADVERTISE FOR BIDS FOR
SAME...09-0727-004 AND 09-0727-005...RATIFIED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Chris Rowland, P.E., Project Manager, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to adopt Resolution Number 154-09 determining to make improvements relative to the construction, operation, and maintenance of the Wards Corner and Newtonsville Tank Paintings Project located in Miami and Wayne Townships, consisting of the cleaning, repairing and painting of the Wards Corner and Newtonsville Tanks as set forth in Exhibit A, attached thereto and made a part thereof, designated as Project Number 621-0047, and in conformance with the detailed plans, specifications and estimates of cost and financing as herein ratified and confirmed, all of which shall be paid from one or more of any combination of the Waterworks Replacement and Improvements Fund, Waterworks Capital Improvement Fund, any portion of any federal or state grant or loan should such become available, and/or by the issuance of notes or bonds pursuant to Section 133.08 of the Ohio Revised Code, and payable from revenues derived from water rates and charges levied for the operation of the Clermont County Waterworks System and subsequent thereto, to approve the request to advertise for bids for Project Number 621-0047 pursuant to the plans and specifications therefore, and to authorize the Clerk of the Board to place a Legal Notice in a newspaper of general circulation on 08/13/09, scheduling a non-mandatory Pre-Bid Meeting on 09/03/09 at 10:00 A.M., with bids to be received therefore until **2:00 P.M. Local Time on Thursday, 09/10/09** in the Office of the Board of County Commissioners, 101 East Main Street, Batavia, Ohio 45103, where they will be publicly opened and read aloud shortly thereafter. This notice is also posted on Clermont County's internet site.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RESOLUTION NUMBER 155-09/RESOLUTION LEVYING FINAL
SPECIAL ASSESSMENTS FOR PROJECT NUMBER 621-0039
RELATIVE TO THE OAK VIEW DRIVE AKA OAKVIEW DRIVE
WATER PETITION PROJECT IN GOSHEN TOWNSHIP...09-0727-
002...ADOPTED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to adopt Resolution Number **155-09** resolving to levy the final special assessments for Project Number 621-0039 relative to the Oak View Drive aka Oakview Drive Water Petition Project located in Goshen Township as set forth in Exhibits "A" and "B," attached thereto and made a part thereof, for the purpose of paying a portion of the costs attributable thereto; to allow for at least a minimum thirty (30) day principal payment period to expire 09/04/09; and subsequent thereto, to authorize the Office of Management of Budget to certify to the Clermont County Auditor for collection of any unpaid assessments for the same period of time and at the same interest rate for which the assessment bonds are to be issued in anticipation of the collection thereof pursuant to and in compliance with Chapter 6103 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RESOLUTION NUMBER 156-09/RESOLUTION LEVYING FINAL
SPECIAL ASSESSMENTS FOR PROJECT NUMBER 621-0037
RELATIVE TO THE DIXIE LANE WATER PETITION PROJECT IN
WILLIAMSBURG TOWNSHIP...09-0727-001...ADOPTED**

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to adopt Resolution Number **156-09** resolving to levy the final special assessments for Project Number 621-0037 relative to the Dixie Lane Water Petition Project located in Williamsburg Township as set forth in Exhibits "A" and "B," attached thereto and made a part thereof, for the purpose of paying a portion of the costs attributable thereto; to allow for at least a minimum thirty (30) day principal payment period to expire 09/04/09; and subsequent thereto, to authorize the Office of Management of Budget to certify to the Clermont County Auditor for collection of any unpaid assessments for the same period of time and at the same interest rate for which the assessment bonds are to be issued in anticipation of the collection thereof pursuant to and in compliance with Chapter 6103 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

**IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT...
RESOLUTION NUMBER 157-09/RESOLUTION LEVYING FINAL
SPECIAL ASSESSMENTS FOR PROJECT NUMBER 621-0040
RELATIVE TO THE TWIN OAK LANE WATER PETITION PROJECT
IN GOSHEN TOWNSHIP...09-0727-003...RATIFIED**

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Sukie Scheetz, Director, Office of Management and Budget, with the concurrence of Lyle G. Bloom, P.E., Sanitary Engineer, Clermont County Water Resources Department, to accept the Certificate of Occupancy and/or Completion for the services, facilities, or work performance, including restoration, if applicable, provided by J. Daniel & Company, Inc. for Project Number 621-0040 relative to the Twin Oak Lane Water Petition Project located in Goshen Township as of 10/07/08, and, subsequent thereto, to adopt Resolution Number **157-09** resolving to levy the final special assessments for Project Number 621-0040 relative to the Twin Oak Lane Water Petition Project located in Goshen Township as set forth in Exhibits "A" and "B," attached thereto and made a part thereof, for the purpose of paying a portion of the costs attributable thereto; to allow for at least a minimum thirty (30) day principal payment period to expire 09/04/09; and subsequent thereto, to authorize the Office of Management of Budget to certify to the Clermont County Auditor for collection of any unpaid assessments for the same period of time and at the same interest rate for which the assessment bonds are to be issued in anticipation of the collection thereof pursuant to and in compliance with Chapter 6103 of the Ohio Revised Code and the agreement of 100% of the benefited property owners.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: DEPARTMENT OF PUBLIC SAFETY SERVICES/EMERGENCY MANAGEMENT AGENCY...GRANT APPLICATION FOR FUNDING THROUGH THE OHIO EMERGENCY MANAGEMENT AGENCY FOR THE HAZARD MITIGATION PLANNING GRANT RELATIVE TO THE UPDATE OF THE CLERMONT COUNTY ALL NATURAL HAZARD MITIGATION PLAN ...09-0731-001...RATIFIED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Stephen H. Rabolt, Director, Office of Technology, Communications and Security, with the concurrence of David L. Spinney, County Administrator, to approve the execution and submittal of a Grant Application for DR-1805 Hazard Mitigation Grant Program Funding to the Ohio Emergency Management Agency (OEMA), a division of the Ohio Department of Public Safety, 2855 West Dublin-Granville Road, Columbus, Ohio 43235-2206 for the Hazard Mitigation Planning Grant from the U.S. Department of Homeland Security, Office for Domestic Preparedness in the amount of \$30,000.00, with the required local match of \$10,000.00 to be provided through in-kind services by our community stakeholders, for a total program budget amount of \$40,000.00 relative to the five (5) year review and update to the Clermont County All Natural Hazard Mitigation Plan as required by the Federal Emergency Management Agency (FEMA) in order to maintain eligibility for mitigation project grant funding, with the approval thereof by FEMA due on or by January 19, 2011 pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: COUNTY SHERIFF...CONTRACT FOR LAW ENFORCEMENT SERVICES WITH U.S. GRANT VOCATIONAL SCHOOL DISTRICT FOR SAME...09-0722-002...EXECUTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of Albert J. Rodenberg, Jr., County Sheriff, with the concurrence of David L. Spinney, County Administrator, to execute a Contract for Law Enforcement Services by and between the Board of Clermont County Commissioners, the County Sheriff, and U.S. Grant Vocational School District, 718 West Plane Street, Bethel, Ohio 45106-9564 for the provision of one (1) contract deputy for the U.S. Grant Vocational School District at the annual amounts of \$84,509.17 for the first year, \$87,839.99 for the second year and \$91,266.04 for the third year, one (1) patrol vehicle which includes the use of the equipped vehicle, insurance, and maintenance by the Clermont County Fleet Maintenance Department for an annual amount of \$3,192.58, with the reimbursement of all fuel costs therefore to be invoiced weekly, and uniform/equipment replacement and dry cleaning for an annual amount of \$775.00 for a period of three (3) years commencing 08/07/09, pursuant to the terms and conditions set forth therein and in compliance with Section 311.29 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: COUNTY ENGINEER...REQUEST FOR A TEMPORARY DETOUR TO THROUGH TRAFFIC ON BAUER ROAD IN BATAVIA TOWNSHIP...09-0730-004...APPROVED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Patrick J. Manger, County Engineer, with the concurrence of David L. Spinney, County Administrator, to authorize a temporary detour to through traffic on Bauer Road in Batavia Township for the period of **Monday, 08/10/09 through Friday, 08/14/09**, for a culvert replacement, with the understanding that the appropriate barriers and detour signs will be maintained during the afore stated temporary detour along an alternate route by the appropriate law enforcement agency therefore pursuant to Section 5543.17 of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...APPLICATION REQUESTING A PUBLIC HEARING BEFORE THE BATAVIA TOWNSHIP BOARD OF ZONING APPEALS RELATIVE TO A ZONING VARIANCE REQUEST REQUIRED TO COMPLETE THE CONSTRUCTION OF SR 125 AT AMELIA OLIVE BRANCH ROAD INTERSECTION PROJECT LOCATED WITHIN BATAVIA AND PIERCE TOWNSHIPS...09-0728-001...EXECUTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to execute an Application Requesting a Public Hearing Before the Batavia Township Board of Zoning Appeals relative to a zoning variance request for the placement of a Billboard on county owned property located at 1410 State Route 125, Parcel Number 034551C019., in Batavia Township for a period of approximately six years, which is necessary to complete the construction of the SR 125 at Amelia Olive Branch Road Intersection Project, Project CLE-125.5.00, located within Batavia and Pierce Townships; and further to authorize David L. Spinney, County Administrator, to submit said Application to the Batavia Township Board of Zoning Appeals and to authorize payment of the \$200.00 filing fee relative thereto.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...JOINT APPLICATION WITH THE PROSECUTING ATTORNEY TO THE CLERMONT COUNTY COURT OF COMMON PLEAS FOR CONTINUED EMPLOYMENT OF LEGAL COUNSEL AS SPECIAL COUNSEL TO REPRESENT THE BOARD OF COUNTY COMMISSIONERS IN ITS OFFICIAL CAPACITY AND TO ADVISE IT ON LEGAL MATTERS...09-0605-002...EXECUTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to authorize Edwin H. Humphrey, President of the Board, to execute a Joint Application for Employment of Legal Counsel with the Prosecuting Attorney to the Clermont County Court of Common Pleas for the *continued*

employment of Mark Landes, Attorney at Law, with the law firm of Isaac, Brant, Ledman & Teetor LLP, 250, East Broad Street, Suite 900, Columbus, Ohio 43215-3742 as Special Counsel to represent the Board of County Commissioners in its official capacity and to advise it on legal matters relative to the court judgment imposed against the Clermont County Sheriff's Office with compensation at the rate of \$215.00 per hour, with the total *additional* compensation for Calendar Year 2009 not to exceed \$5,000.00, pursuant to and in compliance with Section 305.14 (A) of the Ohio Revised Code.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

IN RE: BOARD OF COUNTY COMMISSIONERS...AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES CONTRACT WITH THE LAW FIRM OF ISAAC, BRANT, LEDMAN & TEETOR LLP RELATIVE TO THE PROVISION OF SPECIAL LEGAL COUNSEL FOR SAME...09-0609-003...EXECUTED

Moved by Mr. Proud, seconded by Mr. Croswell, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, to authorize Edwin H. Humphrey, President of the Board, to execute Amendment Number 1 to the Professional Services Contract by and between the Board of County Commissioners, Clermont County, Ohio, and the law firm of Isaac, Brant, Ledman & Teetor, LLP, 250 East Broad Street, Suite 900, Columbus, Ohio 43215, previously executed by the Board on 06/10/09, to allow Isaac, Brant, Ledman & Teetor, LLP to represent the Board of Clermont County Commissioners in its official capacity, serving as Special Legal Counsel, and to advise it on legal matters in current litigation and any other assignments, which represents an increase in the amount of \$5,000.00 for a total revised contract amount not to exceed \$10,000.00, with all other terms and conditions of the original Contract to remain in full force and effect, in concert with the Joint Petition for Continued Employment of Legal Counsel heretofore ratified by the Board of Clermont County Commissioners on 08/05/09.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Proud, Yea; Mr. Croswell, Yes; Mr. Humphrey, Aye.

LET THE RECORD SHOW: A MOTION BY MR. CROSWELL, SECONDED BY MR. PROUD, TO GO INTO EXECUTIVE SESSION AT 1:21 P.M. PURSUANT TO SECTION 121.22(G)(3) OF THE OHIO REVISED CODE REGARDING LITIGATION, CARRIED WITH ALL MEMBERS VOTING AFFIRMATIVELY THEREON.

LET THE RECORD SHOW: THE EXECUTIVE SESSION CONCLUDED AND REGULAR SESSION RESUMED AT 1:47 P.M.

IN RE: CLERMONT COUNTY WATER RESOURCES DEPARTMENT... RESOLUTION TO AUTHORIZE THE SETTLEMENT OF CASE NUMBER 1:09CV163 AS IT RELATES TO PROJECT NUMBER 651-0864 RELATIVE TO THE CHAPEL ROAD SEWER REPLACEMENT PROJECT LOCATED IN BATAVIA TOWNSHIP, CLERMONT COUNTY, OHIO; AND AUTHORIZING PAYMENT FOR SAME...09-0805-003...RATIFIED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of Mary Lynne Birck, Assistant Prosecuting Attorney, with the concurrence of Lyle G. Bloom, P. E., Sanitary Engineer, Clermont Water Resources Department, resolving (1) to authorize settlement of Case Number 1:09CV163 U.S. District Court, Southern District of Ohio/Music Construction, Inc. vs. Clermont County Board of Commissioners filed in the U.S. District Court, Southern District of Ohio in and as it relates to Project Number 651-0864 relative to the Chapel Road Sewer Replacement Project located in Batavia Township, Clermont County, Ohio; (2) to authorize Edwin H. Humphrey, President of the Board of County Commissioners, to execute the Release and Settlement Agreement relative thereto in the total amount of \$40,000.00 as shown therein, pursuant to and in compliance with the terms and conditions set forth therein.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mr. Humphrey, Aye.

LET THE RECORD SHOW: That a motion by Mr. Proud , seconded by Mr. Croswell, to approve the minutes of Regular Session of **08/05/09** carried with all members present voting affirmatively thereon.

LET THE RECORD SHOW: That the President of the Board of County Commissioners, noting no further business to come before the commission for legislative action, adjourned this Regular Session at 1:49 P.M.

**BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO**

**EDWIN H. HUMPHREY, PRESIDENT
ROBERT L. PROUD, VICE PRESIDENT
R. SCOTT CROSWELL III, MEMBER**

JUDITH KOCICA, CLERK OF THE BOARD

DATE APPROVED – 08/05/09